



**US Army Corps
of Engineers®**

SPECIAL PUBLIC NOTICE

**DECISION TO ACCEPT FUNDS FROM THE
PORT OF LOS ANGELES**

LOS ANGELES DISTRICT

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The purpose of this Special Public Notice is to announce that the Los Angeles District, U.S. Army Corps of Engineers (Corps) has decided to accept and expend funds contributed by the Port of Los Angeles (Port). The funds would be used to expand Corps resources available to evaluate and process the Port's Department of the Army (DA) permit applications. Though the Port would receive more expeditious reviews of their permit applications, the Corps would ensure that regulatory permit decision-making remains impartial and that all applicable procedural and substantive requirements of the DA permit application review process remain unchanged. The decision to accept funds is in response to the large number of DA permit applications submitted by the Port of Los Angeles, and the need to devote significant staff time to these applications in order to ensure the Port and the public are best served throughout the permit evaluation process. The decision to accept funds does not constitute any endorsement or implied consent to the Port of Los Angeles permit applications; rather, it will enable Corps Regulatory Staff to devote the attention required to these applications, in both a more timely and more thorough manner, benefiting both the Port and the public.

Colonel Alex C. Dornstauber, Commander of the Corps Los Angeles District has determined that acceptance and expenditure of such funds would be in accordance with Section 214 of the *Water Resources Development Act of 2000* (WRDA 2000, Public Law 106-541 as amended by Public Law 108-137). The Memorandum documenting this decision is attached.

On December 23, 2002, the Los Angeles District circulated the initial Special Public Notice announcing our preliminary intent to accept and expend such funds, and stated that we had initiated funding discussions with the Port of Los Angeles. The December 2002 Special Public Notice also discussed the kind of activities for which funds would be expended, and the safeguarding procedures which would be used to ensure that the funds will not impact impartial decision making. Those procedures include the following:

- All final permit decisions for cases where these funds are used must be reviewed at least one level above the normal decision-maker, unless the decision-maker is the District Commander. For example, if the decision-maker were the Regulatory Branch Chief, then the decision-maker for that permit action would be raised to the Construction-Operations Division Chief.
- All final permit decisions for cases where these funds are used will be made available on the Los Angeles District Regulatory web page.
- The Los Angeles District will not eliminate any procedures or evaluations that would otherwise be required for that type of project and permit application under consideration.
- The Los Angeles District must comply with all applicable laws and regulations.
- Contributed Port funds will not be expended for supervisory or management review of staff-generated permit decision recommendations. Also, funds would not be used for processing administrative appeals of any decisions on Port permit applications. If Port funds are used to hire contractors in support of the Corps permit evaluation process, such contractor products will be drafts only and be reviewed by Corps regulatory program employees, before they are utilized in support of any Corps permit decision.

Copies of the relevant documents related to this decision to accept Port funds, as well as any permit decisions in the future, which were evaluated by Port-funded Corps staff, can be viewed at the Corps regulatory web page at <http://www.spl.usace.army.mil/regulatory/POLA.htm>.